

REMARKS/ARGUMENTS

Please amend the specification and the claims as indicated above. Applicant submits that the amendments do not add new subject matter because the original disclosure, including the figures, supports the amendments. The Examiner's comments are addressed in the order presented in the Office Action.

The Examiner rejected claims 1, 2 and 4-7 as obvious over Szymiski et al in view of Chen and Herbert. Claims 1, 4 and 7 have been amended while claim 2 has been cancelled. Applicant submits that the claims are allowable in their current form over the cited references.

First, the amended claims more particularly point out that the claimed exercise bicycle is one that allows the rider to assume multiple riding positions. Multiple riding positions are facilitated by the handlebar which has multiple handles. None of the Szymiski, Chen and Herbert references disclose an exercise bicycle having such a handlebar and that allows different riding positions.

Second, the claims have been amended to more particularly point out the corrosive-resistant nature of the claimed exercise bicycle. Indeed, the term "corrosive-resistant" has been added to further describe the frame. To this end, the current claims set forth a deflector, a chainguard and a cover that each protect the exercise bicycle from corrosive sweat that typically falls down from the rider. None of the three cited references address the need for a corrosive resistant exercise bicycle nor disclose the components of the current claims that provide corrosion resistance.

Szymiski does not disclose any type of deflector or cover. Accordingly, the flywheel (shown in phantom lines), and the down tube and seat tube, as well as the welds between these

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two tubes, are completely exposed to the rider's sweat. Furthermore, the chainguard (shown in phantom lines) of Szymiski is only discussed in terms of it not being appropriate for standing on.

Chen does not at all discuss or address the need to prevent corrosion by preventing the rider's sweat from contacting the exercise bicycle. Instead, Chen appears to be concerned with protecting the rider from components within its cover. Indeed, Chen describes a cover having plates that may be removed to allow maintenance of components therein. Furthermore, Chen is not at all associated with the type of exercise bicycle that can allow a rider to adopt different riding positions and that has a flywheel as does the claimed invention.

Herbert does not disclose the chainguard or the cover of the claimed invention. Furthermore Herbert's fender does not serve to disclose the deflector of the claimed invention. Herbert's fender serves to protect the rider from mud or other road debris that may be kicked up by the front wheel. In complete contrast, the deflector of the claimed invention serves to protect the flywheel from the rider. Indeed, there would be no need for such a protective deflector in the bicycle of Herbert because the front wheel is so far in front of the rider that the rider's sweat would not fall on the front wheel when the bicycle of Herbert is moving forward.

In view of the foregoing, Applicant submits that the current claims 1, and 4-7 are allowable over the cited references.

The Examiner next rejected claim 3 as obvious over Szymiski et al., Chen, Herbert and Aalto. Claim 3 has been cancelled thereby rendering this rejection moot.

Applicant has also added new claims that are believed to be allowable over the cited references.

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Appl. No. 10/092,958
Amdt. Dated January 27, 2004
Reply to Office Action of Aug. 27, 2003

In view of the preceding amendments and arguments put forth, Applicant respectfully requests that a Notice of Allowance be issued in this case.

Respectfully Submitted,

JONES DAY

Dated: January 27, 2004

By



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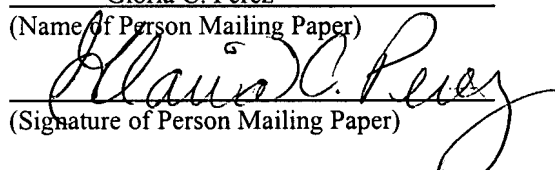
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